

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

05-CR-6161L

v.

DAVID FINNMAN,

Defendant.

Defendant, David Finnman (“Finnman”), was convicted after trial and was sentenced by this Court, principally to a term of 21 months. Both Finnman and the Government have filed Notices of Appeal. At the sentencing, the Court did grant Finnman’s request to voluntarily surrender, and it appears that the Bureau of Prisons has notified Finnman that he must surrender at a federal correctional institution on April 15, 2009.

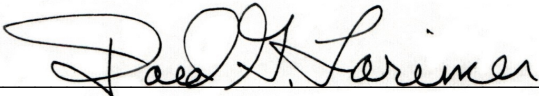
Finnman now moves for release pending appeal. The Government opposes the motion.

The Court heard oral argument on the application on the 13th day of April, 2009, and the Court denied the motion.

Finnman has stated his intention to appeal that decision to the United States Court of Appeals for the Second Circuit. As a courtesy to that Court and to counsel in order to allow a reasonable time to consider the appeal, I hereby stay Finnman’s surrender date until May 14, 2009. Defendant

David Finnman is ordered to self-surrender to the FCI at Tuscon, Arizona on May 14, 2009 at 10:00
a.m.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
April 13, 2009.